

Union Calendar No. 407

105TH CONGRESS
2^D Session

H. R. 3248

[Report No. 105-710]

A BILL

To provide dollars to the classroom.

SEPTEMBER 14, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To provide dollars to the classroom.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1998

Mr. PITTS (for himself, Mr. GOODLING, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. BLUNT, Mr. HILLEARY, Mrs. EMERSON, Mr. WATTS of Oklahoma, Mr. TALENT, Mr. REDMOND, Mr. CHAMBLISS, Mr. HEFLEY, Mr. RYUN, Mr. ISTOOK, Mr. WELDON of Florida, Mr. MANZULLO, Mr. SMITH of Michigan, Mr. SENSENBRENNER, Mr. ENGLISH of Pennsylvania, Mr. ROYCE, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. ROGAN, Mr. SAM JOHNSON of Texas, Mr. CHABOT, Mrs. MYRICK, Mr. COOKSEY, Mr. BRYANT, Mr. COBURN, Mr. BACHUS, Mr. GILLMOR, Mr. COOK, Mr. PICKERING, Mr. KINGSTON, Mr. NORWOOD, Mr. SPENCE, Mr. HAYWORTH, Mr. BAKER, Mr. PETERSON of Pennsylvania, Mr. SNOWBARGER, Mr. LARGENT, Mr. DICKEY, Mrs. CHENOWETH, Mr. LIVINGSTON, Mr. BASS, Mr. MCINTOSH, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Education and Workforce

SEPTEMBER 14, 1998

Additional sponsors: Mr. LEWIS of Kentucky, Mr. BOB SCHAFER of Colorado, Mr. GINGRICH, Mr. SHADEGG, Mr. TIAHRT, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. GIBBONS, Mr. DOOLITTLE, Mr. SCARBOROUGH, Mr. SKEEN, Mr. RADANOVICH, Mr. INGLIS of South Carolina, Mr. NEUMANN, Mr. CANNON, Mr. BURTON of Indiana, Mr. BALLENGER, Mr. CRAPO, Mr. SOUDER, Mr. FORBES, Mr. GOODLATTE, Mr. SHIMKUS, Mr. RIGGS, Mr. SUNUNU, Mr. CALVERT, Mr. PAPPAS, Mr. SMITH of New Jersey, Mr. BARR of Georgia, Mr. HASTERT, Mr. SALMON, Ms. CHRISTIAN-GREEN, Mr. ADERHOLT, Mr. FRANKS of New Jersey, Mr. WICKER, Mr. THUNE, Mrs. CUBIN, Mr. JONES, Mr. MICA, Mr. HALL of Texas, Mr. GUTKNECHT, Mrs. WILSON, Mr. WHITFIELD, Mr. BLILEY, Mr. DREIER, Mr. HILL, Mr. MILLER of Florida, Mr. ENSIGN, Mr. COLLINS, Mr. BUYER, Mr. BRADY of Texas, Mr. JENKINS, Mr. UPTON, Mr. THOMPSON, Mr.

HUNTER, Mr. TAYLOR of North Carolina, Mr. HORN, Mrs. BONO, Mr. METCALF, Ms. GRANGER, Mr. HERGER, and Mr. BUNNING

SEPTEMBER 14, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 24, 1998]

A BILL

To provide dollars to the classroom.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Dollars to the Classroom*
5 *Act”.*

6 **TITLE I—IMPROVEMENT OF**
7 **CLASSROOM SERVICES AND**
8 **ACTIVITIES**

9 **SEC. 101. GRANTS TO STATES.**

10 *The Secretary is authorized to award grants in accord-*
11 *ance with this title to States for use by States and local*
12 *educational agencies to improve classroom services and ac-*
13 *tivities for students.*

14 **SEC. 102. GRANT AWARD.**

15 *(a) RESERVATION OF FUNDS.—From the amount ap-*
16 *propriated to carry out this title for any fiscal year, the*
17 *Secretary shall reserve—*

1 (1) $\frac{1}{2}$ of 1 percent for the outlying areas, to be
 2 distributed among the outlying areas on the basis of
 3 their relative need, as determined by the Secretary in
 4 accordance with the purposes of this section; and

5 (2) $\frac{1}{2}$ of 1 percent for the Secretary of the Inte-
 6 rior for programs under this title in schools operated
 7 or funded by the Bureau of Indian Affairs.

8 (b) *STATE ALLOCATIONS.*—Funds appropriated to
 9 carry out this title for any fiscal year, which are not re-
 10 served under subsection (a), shall be allocated among the
 11 States as follows:

12 (1) *HOLD HARMLESS.*—If the amount of funds
 13 appropriated to carry out this title in any fiscal year
 14 equals or exceeds the aggregate amount all States re-
 15 ceived in fiscal year 1998 under—

16 (A) *title III of the Goals 2000: Educate*
 17 *America Act (20 U.S.C. 5881 et seq.);*

18 (B) *section 1002(g)(2) of the Elementary*
 19 *and Secondary Education Act of 1965 (20*
 20 *U.S.C. 6302(g));*

21 (C) *section 1502 of the Elementary and Sec-*
 22 *ondary Education Act of 1965 (20 U.S.C. 6492);*

23 (D) *part B of title II of the Elementary and*
 24 *Secondary Education Act of 1965 (20 U.S.C.*
 25 *6641 et seq.);*

1 (E) section 3132 of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C.
3 6842 *et seq.*);

4 (F) title VI of the Elementary and Second-
5 ary Education Act of 1965 (20 U.S.C. 7311 *et*
6 *seq.*); and

7 (G) part B of title VII of the Stewart B.
8 McKinney Homeless Assistance Act (42 U.S.C.
9 11421 *et seq.*),

10 as such provisions were in effect on the day preceding
11 the date of the enactment of this Act, the Secretary
12 shall allocate to each State the aggregate amount such
13 State received for fiscal year 1998 under such provi-
14 sions.

15 (2) *INSUFFICIENT FUNDS.*—If the amount of ap-
16 propriations to carry out this title for any fiscal year
17 is insufficient to pay the full amounts that all States
18 are eligible to receive under paragraph (1) for such
19 year, the Secretary shall ratably reduce such amounts
20 for such year.

21 (3) *REMAINING FUNDS.*—If funds remain after
22 meeting the requirements of paragraph (1), such re-
23 maining funds shall be allocated among the States in
24 the following manner:

1 (A) 50 percent of such remaining funds
2 shall be allocated to States in proportion to their
3 grants under part A of title I of the Elementary
4 and Secondary Education Act of 1965 for the
5 preceding fiscal year; and

6 (B) 50 percent of such remaining funds
7 shall be allocated to States in proportion to the
8 number of children ages 5 through 17, inclusive,
9 according to the most recent available data that
10 are satisfactory to the Secretary.

11 (c) *DEFINITION OF STATE.*—For purposes of this sec-
12 tion, the term “State” includes the 50 States, the District
13 of Columbia, and the Commonwealth of Puerto Rico.

14 (d) *DEFINITION OF OUTLYING AREA.*—For purposes of
15 this section, the term “outlying area” includes American
16 Samoa, Guam, the United States Virgin Islands, and the
17 Commonwealth of the Northern Mariana Islands.

18 (e) *PAYMENTS.*—Funds awarded to a State under this
19 section shall be paid to the individual or entity in the State
20 that is responsible for the State administration of Federal
21 education funds pursuant to State law.

22 (f) *USE OF STATE AWARDS.*—

23 (1) *IN GENERAL.*—From the amount made avail-
24 able to a State under subsection (b) for a fiscal year,
25 the State—

1 (A) shall use not more than 5 percent of the
2 total amount to support programs or activities,
3 for children ages 5 through 17, that the State de-
4 termines appropriate, of which the State shall
5 distribute 20 percent of the 5 percent to local
6 educational agencies in the State to pay the ad-
7 ministrative expenses of the local educational
8 agencies that are associated with the activities
9 and services assisted under this section; and

10 (B) shall distribute, pursuant to section
11 103(a), not less than 95 percent of the amount
12 to local educational agencies in the State for the
13 fiscal year to enable the local educational agen-
14 cies to pay the costs of activities or services pro-
15 vided in the classroom, for children ages 5
16 through 17, that the local educational agencies
17 determine appropriate subject to the require-
18 ments of section 103(b).

19 (2) ADMINISTRATIVE EXPENSES.—For the pur-
20 pose of paragraph (1)(B), the costs of activities and
21 services provided in the classroom exclude the admin-
22 istrative expenses associated with the activities and
23 services.

24 (g) SUPPLEMENT NOT SUPPLANT.—A State or local
25 educational agency shall use funds received under this title

1 *only to supplement the amount of funds that would, in the*
2 *absence of such Federal funds, be made available from non-*
3 *Federal sources for the education of pupils participating*
4 *in programs assisted under this title, and not to supplant*
5 *such funds.*

6 *(h) ANNUAL REPORTS.—*

7 *(1) IN GENERAL.—Each State receiving assist-*
8 *ance under this part shall issue a report on an an-*
9 *nual basis, not later than April 1 of each year begin-*
10 *ning the year after the date of the enactment of this*
11 *Act, to the Secretary, the Committee on Education*
12 *and the Workforce of the House of Representatives, the*
13 *Committee on Labor and Human Resources of the*
14 *Senate, and the Committees on Appropriations of the*
15 *Senate and the House of Representatives that de-*
16 *scribes how funds under this title have been used to*
17 *improve student performance in that State.*

18 *(2) CERTIFICATION.—The report must also in-*
19 *clude a certification by the State that 95 percent of*
20 *funding provided under this title during the preced-*
21 *ing fiscal year has been expended by local educational*
22 *agencies within that State for classroom activities*
23 *and services pursuant to subsection (f)(1)(B).*

24 *(3) MEASURES OF PERFORMANCE.—In determin-*
25 *ing student academic performance within the State,*

1 *the State shall use such measures of student academic*
 2 *performance as it deems appropriate. The State may*
 3 *disaggregate data by poverty, subject area, race, gen-*
 4 *der, geographic location, or other criteria as the State*
 5 *deems appropriate.*

6 (4) *AVAILABILITY OF REPORT.—Each State shall*
 7 *make the report described in this subsection available*
 8 *to parents and members of the public throughout that*
 9 *State.*

10 **SEC. 103. LOCAL AWARDS.**

11 (a) *DETERMINATION OF AMOUNT OF FUNDS.—*

12 (1) *IN GENERAL.—The individual or entity in*
 13 *the State that is responsible for the State administra-*
 14 *tion of Federal education funds pursuant to State law*
 15 *of each State receiving assistance under this title, in*
 16 *consultation with the Governor of such State, the chief*
 17 *State school officer of such State, representatives from*
 18 *the State legislature, and representatives from local*
 19 *educational agencies within such State, shall develop*
 20 *a formula for the allocation of funds described in sec-*
 21 *tion 102, to local educational agencies, taking into*
 22 *consideration—*

23 (A) *poverty rates within each local edu-*
 24 *cational agency;*

1 (B) children living in sparsely populated
2 areas;

3 (C) an equitable distribution of funds
4 among urban, rural, and suburban areas;

5 (D) children whose education imposes a
6 higher than average cost per child; and

7 (E) such other factors as considered appro-
8 priate.

9 (2) *HOLD HARMLESS.*—No local educational
10 agency shall receive an award under this subsection
11 for any fiscal year in an amount that is less than the
12 amount the local educational agency received to carry
13 out programs or activities for fiscal year 1998 for
14 title III of the Goals 2000: Educate America Act (20
15 U.S.C. 5881 et seq.), part B of title II of the Elemen-
16 tary and Secondary Education Act of 1965 (20
17 U.S.C. 6641 et seq.), section 3132 of the Elementary
18 and Secondary Education Act of 1965 (20 U.S.C.
19 6842 et seq.), title VI of the Elementary and Second-
20 ary Education Act of 1965 (20 U.S.C. 7311 et seq.),
21 and part B of title VII of the Stewart B. McKinney
22 Homeless Assistance Act (42 U.S.C. 11421 et seq.) as
23 in effect on the day preceding the date of the enact-
24 ment of this Act plus amounts the local educational
25 agency is eligible to receive during fiscal years 1999

1 *through 2003 pursuant to all multiyear awards made*
2 *prior to the date of enactment of this Act under any*
3 *program that is repealed by section 107 that is not*
4 *listed in this sentence.*

5 (3) *INSUFFICIENT FUNDS.—If the amount allo-*
6 *cated to a State to carry out this title for any fiscal*
7 *year is insufficient to pay the full amounts that all*
8 *local educational agencies in such State are eligible to*
9 *receive under paragraph (2) for such year, the State*
10 *shall ratably reduce such amounts for such year.*

11 (b) *LOCAL USES OF FUNDS.—Funds made available*
12 *under this section to a local educational agency shall be*
13 *used for the following classroom services and activities:*

14 (1) *Programs for the acquisition and use of in-*
15 *structional and educational materials, including li-*
16 *brary services and materials (including media mate-*
17 *rials), assessments, reference materials, and other cur-*
18 *ricular materials which are tied to high academic*
19 *standards and which will be used to improve student*
20 *achievement and which are part of an overall edu-*
21 *cation reform program.*

22 (2) *Professional development for instructional*
23 *staff.*

24 (3) *Programs to improve the higher order think-*
25 *ing skills of disadvantaged elementary and secondary*

1 *school students and to prevent students from dropping*
2 *out of school.*

3 *(4) Efforts to lengthen the school day or the*
4 *school year.*

5 *(5) Programs to combat illiteracy in the student*
6 *population.*

7 *(6) Programs to provide for the educational*
8 *needs of gifted and talented children.*

9 *(7) Promising education reform projects that are*
10 *tied to State student content and performance stand-*
11 *ards.*

12 *(8) Carrying out comprehensive school reform*
13 *programs that are based on reliable research.*

14 *(9) Programs for homeless children and youth.*

15 *(10) Programs that are built upon partnerships*
16 *between local educational agencies and institutions of*
17 *higher education, educational service agencies, librar-*
18 *ies, businesses, regional educational laboratories, or*
19 *other educational entities, for the purpose of provid-*
20 *ing educational services consistent with this section.*

21 *(11) The acquisition of books, materials and*
22 *equipment, payment of compensation of instructional*
23 *staff, and instructional activities that are necessary*
24 *for the conduct of programs in magnet schools.*

1 (12) *Programs to promote academic achievement*
2 *among women and girls.*

3 (13) *Programs to provide for the educational*
4 *needs of children with limited English proficiency or*
5 *who are American Indian, Alaska Native, or Native*
6 *Hawaiian.*

7 (14) *Activities to provide the academic support,*
8 *enrichment, and motivation to enable all students to*
9 *reach high State standards.*

10 (15) *Efforts to reduce the pupil-teacher ratio.*

11 (16) *Projects and programs which assure the*
12 *participation in mainstream settings in arts and*
13 *education programs of individuals with disabilities.*

14 (17) *Projects and programs to integrate arts edu-*
15 *cation into the regular elementary and secondary*
16 *school curriculum.*

17 (18) *Programs designed to educate students*
18 *about the history and principles of the Constitution*
19 *of the United States, including the Bill of Rights, and*
20 *to foster civic competence and responsibility.*

21 (19) *Mathematics and science education instruc-*
22 *tional materials.*

23 (20) *Programs designed to improve the quality of*
24 *student writing and learning and the teaching of*
25 *writing as a learning process.*

1 (21) *Technology related to the implementation of*
2 *school-based reform programs, including professional*
3 *development to assist teachers and other school offi-*
4 *cials regarding how to effectively use such equipment*
5 *and software.*

6 (22) *Computer software and hardware for in-*
7 *structional use.*

8 (23) *Developing, adapting, or expanding existing*
9 *and new applications of technology.*

10 (24) *Acquiring connectivity linkages, resources,*
11 *and services, including the acquisition of hardware*
12 *and software, for use by teachers, students, and school*
13 *library media personnel in the classroom or in school*
14 *library media centers, in order to improve student*
15 *learning.*

16 (25) *After-school programs designed to engage*
17 *children in a constructive manner and to promote*
18 *their academic, developmental, and personal growth;*

19 (26) *Developing, constructing, acquiring, main-*
20 *taining, operating, and obtaining technical assistance*
21 *in the use of telecommunications audio and visual fa-*
22 *cilities and equipment for use in the classroom.*

23 (27) *Developing, acquiring, and obtaining tech-*
24 *nical assistance in the use of educational and instruc-*
25 *tional video programming for use in the classroom.*

1 (c) *PARENT INVOLVEMENT.*—*Each local educational*
 2 *agency receiving assistance under this section shall involve*
 3 *parents and members of the public in planning for the use*
 4 *of funds provided under this section.*

5 **SEC. 104. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
 6 **VATE SCHOOLS.**

7 *Each local educational agency that receives funds*
 8 *under this title shall provide for the participation of chil-*
 9 *dren enrolled in private schools, and their teachers or other*
 10 *educational personnel, in the activities and services assisted*
 11 *under such section in the same manner as private school*
 12 *children, and their teachers or other educational personnel,*
 13 *participate in activities and services under the Elementary*
 14 *and Secondary Education Act of 1965 (20 U.S.C. 6301 et*
 15 *seq.) pursuant to sections 14503, 14504, 14505, and 14506*
 16 *of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).*

17 **SEC. 105. DEFINITIONS.**

18 *In this title—*

19 (1) *the term “local educational agency” has the*
 20 *meaning given the term in section 14101 of the Ele-*
 21 *mentary and Secondary Education Act of 1965 (20*
 22 *U.S.C. 8801);*

23 (2) *the term “educational service agency” has the*
 24 *meaning given the term in section 14101 of the Ele-*

1 *mentary and Secondary Education Act of 1965 (20*
 2 *U.S.C. 8801);*

3 *(3) the term “Secretary” means the Secretary of*
 4 *Education; and*

5 *(4) except as otherwise provided, the term*
 6 *“State” means each of the several States of the United*
 7 *States, the District of Columbia, the Commonwealth*
 8 *of Puerto Rico, Guam, American Samoa, the Com-*
 9 *monwealth of the Northern Mariana Islands, and the*
 10 *United States Virgin Islands.*

11 **SEC. 106. GENERAL PROVISIONS.**

12 *(a) RULE OF CONSTRUCTION.—Nothing in this title*
 13 *shall be construed to authorize an officer or employee of the*
 14 *Federal Government to require, direct, or control a State,*
 15 *local educational agency or school’s specific instructional*
 16 *content of pupil performance standards and assessments,*
 17 *curriculum, or program of instruction as a condition of eli-*
 18 *gibility to receive funds under this title.*

19 *(b) STATE AND LOCAL DETERMINATION.—*

20 *(1) IN GENERAL.—The Secretary shall not issue*
 21 *any regulation regarding the type of classroom activi-*
 22 *ties or services that may be assisted under this title.*

23 *(2) INSTRUCTIONAL METHOD AND SETTING.—No*
 24 *local educational agency shall be required to provide*
 25 *services under this title through a particular instruc-*

1 *tional method or in a particular instructional setting*
2 *in order to receive funding under this title.*

3 **SEC. 107. REPEALS.**

4 *The following provisions are repealed:*

5 (1) *Title III of the Goals 2000: Educate America*
6 *Act (20 U.S.C. 5881 et seq.).*

7 (2) *Title IV of the Goals 2000: Educate America*
8 *Act (20 U.S.C. 5911 et seq.).*

9 (3) *Title VI of the Goals 2000: Educate America*
10 *Act (20 U.S.C. 5951).*

11 (4) *Titles II, III, and IV of the School-to-Work*
12 *Opportunities Act of 1994 (20 U.S.C. 6121 et seq.,*
13 *6171 et seq., and 6191 et seq.).*

14 (5) *Section 1502 of the Elementary and Second-*
15 *ary Education Act of 1965 (20 U.S.C. 6492).*

16 (6) *Section 1503 of the Elementary and Second-*
17 *ary Education Act of 1965 (20 U.S.C. 6493).*

18 (7) *Section 1002(g)(2) of the Elementary and*
19 *Secondary Education Act of 1965.*

20 (8) *Part A of title II of the Elementary and Sec-*
21 *ondary Education Act of 1965 (20 U.S.C. 6621 et*
22 *seq.).*

23 (9) *Part B of title II of the Elementary and Sec-*
24 *ondary Education Act of 1965 (20 U.S.C. 6641 et*
25 *seq.).*

1 (10) *Title III of the Elementary and Secondary*
2 *Education Act of 1965 (20 U.S.C. 6801 et seq.).*

3 (11) *Part A of title V of the Elementary and*
4 *Secondary Education Act of 1965 (20 U.S.C. 7201 et*
5 *seq.).*

6 (12) *Part B of title V of the Elementary and*
7 *Secondary Education Act of 1965 (20 U.S.C. 7231 et*
8 *seq.).*

9 (13) *Title VI of the Elementary and Secondary*
10 *Education Act of 1965 (20 U.S.C. 7311 et seq.).*

11 (14) *Part B of title IX of the Elementary and*
12 *Secondary Education Act of 1965 (20 U.S.C. 7901 et*
13 *seq.).*

14 (15) *Part C of title IX of the Elementary and*
15 *Secondary Education Act of 1965 (20 U.S.C. 7931 et*
16 *seq.).*

17 (16) *Part A of title X of the Elementary and*
18 *Secondary Education Act of 1965 (20 U.S.C. 8001 et*
19 *seq.).*

20 (17) *Part B of title X of the Elementary and*
21 *Secondary Education Act of 1965 (20 U.S.C. 8031 et*
22 *seq.).*

23 (18) *Part D of title X of the Elementary and*
24 *Secondary Education Act of 1965 (20 U.S.C. 8091 et*
25 *seq.).*

1 (19) *Part F of title X of the Elementary and*
2 *Secondary Education Act of 1965 (20 U.S.C. 8141 et*
3 *seq.).*

4 (20) *Part G of title X of the Elementary and*
5 *Secondary Education Act of 1965 (20 U.S.C. 8161 et*
6 *seq.).*

7 (21) *Part I of title X of the Elementary and Sec-*
8 *ondary Education Act of 1965 (20 U.S.C. 8241 et*
9 *seq.).*

10 (22) *Part J of title X of the Elementary and*
11 *Secondary Education Act of 1965 (20 U.S.C. 8271 et*
12 *seq.).*

13 (23) *Part K of title X of the Elementary and*
14 *Secondary Education Act of 1965 (20 U.S.C. 8331 et*
15 *seq.).*

16 (24) *Part L of title X of the Elementary and*
17 *Secondary Education Act of 1965 (20 U.S.C. 8351 et*
18 *seq.).*

19 (25) *Part A of title XIII of the Elementary and*
20 *Secondary Education Act of 1965 (20 U.S.C. 8621 et*
21 *seq.).*

22 (26) *Part C of title XIII of the Elementary and*
23 *Secondary Education Act of 1965 (20 U.S.C. 8671 et*
24 *seq.).*

1 (27) *Subtitle B of title VII of the Stewart B.*
 2 *McKinney Homeless Assistance Act (42 U.S.C. 11421*
 3 *et seq.).*

4 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to carry out*
 6 *this title, \$2,740,000,000 for fiscal year 1999;*
 7 *\$2,800,000,000 for fiscal year 2000; \$2,870,000,000 for fis-*
 8 *cal year 2001; \$2,940,000,000 for fiscal year 2002; and*
 9 *\$3,001,000,000 for fiscal year 2003.*

10 **TITLE II—MISCELLANEOUS**
 11 **PROVISIONS**

12 **SEC. 201. EXPANSION OF ED-FLEX DEMONSTRATIONS.**

13 (a) *WAIVER AUTHORITY.—*

14 (1) *IN GENERAL.—Except as provided in sub-*
 15 *section (c), the Secretary may waive any statutory or*
 16 *regulatory requirement applicable to any program or*
 17 *Act described in subsection (b) for a State educational*
 18 *agency, local educational agency, or school if—*

19 (A) *and only to the extent that, the Sec-*
 20 *retary determines that such requirement impedes*
 21 *the ability of the State, or of a local educational*
 22 *agency or school in the State, to carry out the*
 23 *State or local improvement plan;*

1 (B) the State educational agency has
2 waived, or agrees to waive, similar requirements
3 of State law;

4 (C) in the case of a statewide waiver, the
5 State educational agency—

6 (i) provides all local educational agen-
7 cies and parent organizations in the State
8 with notice and an opportunity to comment
9 on the State educational agency's proposal
10 to seek a waiver; and

11 (ii) submits the local educational agen-
12 cies' comments to the Secretary; and

13 (D) in the case of a local educational agen-
14 cy waiver, the local educational agency provides
15 parents, community groups, and advocacy or
16 civil rights groups with the opportunity to com-
17 ment on the proposed waiver.

18 (2) APPLICATION.—(A)(i) To request a waiver
19 under paragraph (1), a local educational agency or
20 school that receives funds under this title, or a local
21 educational agency or school shall transmit an appli-
22 cation for such a waiver to the State educational
23 agency. The State educational agency then shall sub-
24 mit approved applications for waivers under para-
25 graph (1) to the Secretary.

1 (ii) A State educational agency may request a
2 waiver under paragraph (1) by submitting an appli-
3 cation for such waiver to the Secretary.

4 (B) Each application submitted to the Secretary
5 under subparagraph (A) shall—

6 (i) identify the statutory or regulatory re-
7 quirements that are requested to be waived and
8 the goals that the State educational agency or
9 local educational agency or school intends to
10 achieve;

11 (ii) describe the action that the State edu-
12 cational agency has undertaken to remove State
13 statutory or regulatory barriers identified in the
14 application of local educational agencies;

15 (iii) describe the goals of the waiver and the
16 expected programmatic outcomes if the request is
17 granted;

18 (iv) describe the numbers and types of stu-
19 dents to be impacted by such waiver;

20 (v) describe a timetable for implementing a
21 waiver; and

22 (vi) describe the process the State edu-
23 cational agency will use to monitor, on a bian-
24 nual basis, the progress in implementing a waiv-
25 er.

1 (3) *TIMELINESS.*—*The Secretary shall act*
2 *promptly on a request for a waiver under paragraph*
3 *(1) and shall provide a written statement of the rea-*
4 *sons for granting or denying such request.*

5 (4) *DURATION.*—*Each waiver under paragraph*
6 *(1) shall be for a period not to exceed 4 years. The*
7 *Secretary may extend such period if the Secretary de-*
8 *termines that the waiver has been effective in enabling*
9 *the State or affected local educational agencies to*
10 *carry out reform plans.*

11 (b) *INCLUDED PROGRAMS.*—*The statutory or regu-*
12 *latory requirements subject to the waiver authority of this*
13 *section are any such requirements under the following pro-*
14 *grams or Acts:*

15 (1) *Title I of the Elementary and Secondary*
16 *Education Act of 1965.*

17 (2) *Part A of title II of the Elementary and Sec-*
18 *ondary Education Act of 1965.*

19 (3) *Part A of title V of the Elementary and Sec-*
20 *ondary Education Act of 1965.*

21 (4) *Title VIII of the Elementary and Secondary*
22 *Education Act of 1965.*

23 (5) *Part B of title IX of the Elementary and*
24 *Secondary Education Act of 1965.*

1 (6) *The Carl D. Perkins Vocational and Applied*
2 *Technology Education Act.*

3 (c) *WAIVERS NOT AUTHORIZED.—The Secretary may*
4 *not waive any statutory or regulatory requirement of the*
5 *programs or Acts described in subsection (b)—*

6 (1) *relating to—*

7 (A) *maintenance of effort;*

8 (B) *comparability of services;*

9 (C) *the equitable participation of students*
10 *and professional staff in private schools;*

11 (D) *parental participation and involve-*
12 *ment; and*

13 (E) *the distribution of funds to States or to*
14 *local educational agencies; and*

15 (2) *unless the underlying purposes of the statu-*
16 *tory requirements of each program or Act for which*
17 *a waiver is granted continue to be met to the satisfac-*
18 *tion of the Secretary.*

19 (d) *TERMINATION OF WAIVERS.—The Secretary shall*
20 *periodically review the performance of any State, local edu-*
21 *cational agency, or school for which the Secretary has*
22 *granted a waiver under subsection (a)(1) and shall termi-*
23 *nate the waiver if the Secretary determines that the per-*
24 *formance of the State, the local educational agency, or the*

1 *school in the area affected by the waiver has been inad-*
 2 *equated to justify a continuation of the waiver.*

3 *(e) FLEXIBILITY DEMONSTRATION.—*

4 *(1) SHORT TITLE.—This subsection may be cited*
 5 *as the “Education Flexibility Partnership Dem-*
 6 *onstration Act”.*

7 *(2) PROGRAM AUTHORIZED.—*

8 *(A) IN GENERAL.—The Secretary may*
 9 *carry out an education flexibility demonstration*
 10 *program under which the Secretary authorizes*
 11 *not more than 50 State educational agencies*
 12 *serving eligible States to waive statutory or regu-*
 13 *latory requirements applicable to 1 or more pro-*
 14 *grams or Acts described in subsection (b), other*
 15 *than requirements described in subsection (c), for*
 16 *the State educational agency or any local edu-*
 17 *cational agency or school within the State.*

18 *(B) AWARD RULE.—In carrying out sub-*
 19 *paragraph (A), the Secretary shall select for par-*
 20 *ticipation in the demonstration program de-*
 21 *scribed in subparagraph (A) three State edu-*
 22 *cational agencies serving eligible States that each*
 23 *have a population of 3,500,000 or greater and*
 24 *three State educational agencies serving eligible*
 25 *States that each have a population of less than*

1 3,500,000, determined in accordance with the
2 most recent decennial census of the population
3 performed by the Bureau of the Census.

4 (C) *DESIGNATION.*—Each eligible State
5 participating in the demonstration program de-
6 scribed in subparagraph (A) shall be known as
7 an “Ed-Flex Partnership State”.

8 (3) *ELIGIBLE STATE.*—For the purpose of this
9 subsection the term “eligible State” means a State
10 that waives State statutory or regulatory require-
11 ments relating to education while holding local edu-
12 cational agencies or schools within the State that are
13 affected by such waivers accountable for the perform-
14 ance of the students who are affected by such waivers.

15 (4) *STATE APPLICATION.*—(A) Each State edu-
16 cational agency desiring to participate in the edu-
17 cation flexibility demonstration program under this
18 subsection shall submit an application to the Sec-
19 retary at such time, in such manner, and containing
20 such information as the Secretary may reasonably re-
21 quire. Each such application shall demonstrate that
22 the eligible State has adopted an educational flexibil-
23 ity plan for the State that includes—

24 (i) a description of the process the State
25 educational agency will use to evaluate applica-

tions from local educational agencies or schools
requesting waivers of—

(I) Federal statutory or regulatory re-
quirements described in paragraph (2)(A);
and

(II) State statutory or regulatory re-
quirements relating to education; and

(ii) a detailed description of the State statu-
tory and regulatory requirements relating to
education that the State educational agency will
waive.

(B) The Secretary may approve an application
described in subparagraph (A) only if the Secretary
determines that such application demonstrates sub-
stantial promise of assisting the State educational
agency and affected local educational agencies and
schools within such State in carrying out comprehen-
sive educational reform, after considering—

(i) the comprehensiveness and quality of the
educational flexibility plan described in subpara-
graph (A);

(ii) the ability of such plan to ensure ac-
countability for the activities and goals described
in such plan;

1 (iii) the significance of the State statutory
2 or regulatory requirements relating to education
3 that will be waived; and

4 (iv) the quality of the State educational
5 agency's process for approving applications for
6 waivers of Federal statutory or regulatory re-
7 quirements described in paragraph (2)(A) and
8 for monitoring and evaluating the results of such
9 waivers.

10 (5) *LOCAL APPLICATION.*—(A) Each local edu-
11 cational agency or school requesting a waiver of a
12 Federal statutory or regulatory requirement described
13 in paragraph (2)(A) and any relevant State statutory
14 or regulatory requirement from a State educational
15 agency shall submit an application to the State edu-
16 cational agency at such time, in such manner, and
17 containing such information as the State educational
18 agency may reasonably require. Each such applica-
19 tion shall—

20 (i) indicate each Federal program affected
21 and the statutory or regulatory requirement that
22 will be waived;

23 (ii) describe the purposes and overall ex-
24 pected results of waiving each such requirement;

1 (iii) describe for each school year specific,
 2 measurable, educational goals for each local edu-
 3 cational agency or school affected by the pro-
 4 posed waiver; and

5 (iv) explain why the waiver will assist the
 6 local educational agency or school in reaching
 7 such goals.

8 (B) A State educational agency shall evaluate an
 9 application submitted under subparagraph (A) in ac-
 10 cordance with the State's educational flexibility plan
 11 described in paragraph (4)(A).

12 (C) A State educational agency shall not ap-
 13 prove an application for a waiver under this para-
 14 graph unless—

15 (i) the local educational agency or school re-
 16 questing such waiver has developed a local re-
 17 form plan that is applicable to such agency or
 18 school, respectively; and

19 (ii) the waiver of Federal statutory or regu-
 20 latory requirements described in paragraph
 21 (2)(A) will assist the local educational agency or
 22 school in reaching its educational goals.

23 (6) MONITORING.—Each State educational agen-
 24 cy participating in the demonstration program under
 25 this subsection shall annually monitor the activities

1 of local educational agencies and schools receiving
2 waivers under this subsection and shall submit an an-
3 nual report regarding such monitoring to the Sec-
4 retary.

5 (7) *DURATION OF FEDERAL WAIVERS.*—(A) *The*
6 Secretary shall not approve the application of a State
7 educational agency under paragraph (4) for a period
8 exceeding 5 years, except that the Secretary may ex-
9 tend such period if the Secretary determines that such
10 agency’s authority to grant waivers has been effective
11 in enabling such State or affected local educational
12 agencies or schools to carry out their local reform
13 plans.

14 (B) *The Secretary shall periodically review the*
15 performance of any State educational agency grant-
16 ing waivers of Federal statutory or regulatory re-
17 quirements described in paragraph (2)(A) and shall
18 terminate such agency’s authority to grant such waiv-
19 ers if the Secretary determines, after notice and op-
20 portunity for hearing, that such agency’s performance
21 has been inadequate to justify continuation of such
22 authority.

23 (f) *ACCOUNTABILITY.*—*In deciding whether to extend*
24 a request for a waiver under subsection (a)(1), or a State
25 educational agency’s authority to issue waivers under sub-

1 *section (e), the Secretary shall review the progress of the*
 2 *State educational agency, local educational agency, or*
 3 *school affected by such waiver or authority to determine if*
 4 *such agency or school has made progress toward achieving*
 5 *the desired results described in the application submitted*
 6 *pursuant to subsection (a)(2)(B)(iii) or (e)(5)(A)(ii).*

7 *(g) PUBLICATION.—A notice of the Secretary’s decision*
 8 *to grant waivers under subsection (a)(1) and to authorize*
 9 *State educational agencies to issue waivers under subsection*
 10 *(e) shall be published in the Federal Register and the Sec-*
 11 *retary shall provide for the dissemination of such notice to*
 12 *State educational agencies, interested parties, including*
 13 *educators, parents, students, advocacy and civil rights orga-*
 14 *nizations, other interested parties, and the public.*

15 **SEC. 202. EXPANSION OF SCHOOLWIDE PROGRAMS.**

16 *Section 1114(a)(1) of the Elementary and Secondary*
 17 *Education Act of 1965 (20 U.S.C. 6314) is amended by*
 18 *striking “if, for the initial year of the schoolwide program”*
 19 *and all that follows through the end and inserting a period.*